

SPECIAL CITY COUNCIL MEETING
JUNE 25, 1996

PRESENT

Don Dafoe	Mayor
Gayle Bunker	City Councilman
Robert Droubay	City Councilman
Dale Roper	City Councilman
Glen Swalberg	City Councilman

ABSENT

Robert Dekker	City Councilman
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OTHERS PRESENT

Dorothy Jeffery	City Recorder
Richard Waddingham	City Attorney
Neil Forster	Public Works Director
Judy Baker	City Treasurer
Greg Schafer	City Employee
Rayette Jones	City Resident
Kris Pace	
Kim Broderick and children	
Kathy Walker & Committee	
Glenda Ciarus	
William Lovell and children	
Andy & Teresa Thompson	City Residents

Mayor Dafoe called the meeting to order at 7:00 p.m.. Dorothy Jeffery, City Recorder, acted as secretary. Mayor Dafoe stated that notice of the meeting, time, place, and agenda was posted at the principal office of the governing body located at 76 North 200 West and was provided to the Millard County Chronicle/Progress, the local radio station, and to each member of the City Council by personal delivery two days prior to the meeting.

Council Member Robert Droubay offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Budget Work Session held June 3, 1996 were presented for consideration and approval. The Council reviewed the minutes briefly, after which Council Member Robert Droubay MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any

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comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Public Hearing held June 10, 1996 were presented for consideration of approval. The Council reviewed the minutes briefly, after which Council Member Gayle Bunker MOVED that the minutes be approved as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held June 10, 1996 were presented for consideration and approval. The Council reviewed the minutes briefly, noting two changes to be made in the minutes. Following discussion, Council Member Dale Roper MOVED that the minutes be approved as corrected. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a list of which had been given to them two days prior to the meeting. Following a brief discussion of the accounts payable, Council Member Glen Swalberg MOVED that the accounts payable be approved for payment as listed in the amount of \$97,170.59. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

UNFINISHED BUSINESS

ATTORNEY RICHARD WADDINGHAM: AMENDMENT TO BUSINESS LICENSE ORDINANCE

No Council action taken.

NEW BUSINESS

MAYOR DON DAFOE: RESOLUTION ADOPTING DELTA CITY'S AMENDED BUDGET FOR FISCAL YEAR 1995-1996

Mayor Dafoe reviewed the amended budget and discussed some changes that were made, including purchase of Delta Lands water rights, a yard well repair, and Sugar Factory well rehab. Four hundred fifty (450) acre feet of water purchased from Delta Lands, Inc., in the amount of \$58,488.00, was taken from the Capital Reserves Fund and transferred into the water fund to pay for the water right. The yard well repair was \$13,903 (replacement of check valves, addition of flowmeter, piping and shut off valves) and the Sugar Factory well rehab was \$11,000 (new

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pump). Public Works Director Forster questioned the amount of the yard well repair and stated that he felt the amount to be excessive. Mayor Dafoe also pointed out that on the revenue side, the revenue generated from property taxes increased approximately \$15,000 and sales tax revenues had increased from the projected \$351,000 to \$407,000, partially due to the fact that July and August sales tax revenues come back into this year and will be a fund balance carried forward. The landfill fees increased from \$68,300 to \$85,500 due to the \$4/month increase placed on the landfill by the County. The expenditures show that most department budgets were under spent. A couple of line items were increased in the Streets department; an air compressor, jack hammer, and missile were purchased.

Parks was increased, mostly due to the additional expense of tree trimming, also purchase of a weed eater, chain saw and a push type lawn mower.

The Airport shows increased expenditures of \$6,000. Approximately \$10,000 in revenue from sale of borrow material from LeGrand Johnson Construction Co. was expected and actual receipts were about \$16,000. The additional \$6,000 was put back into maintenance on the big hanger, the small hanger, and purchase of a new windsock.

The bottom line shows total general fund revenues of \$1,385,200 (budget was \$1,154,691), and expenditures of \$1,385,200. This does not include water and sewer or any of the restricted funds.

The total budget was \$2,483,321, including all funds. Council Member Dale Roper MOVED to approve Resolution No. 96-243 adopting the amendments to the Delta City 1995-1996 Fiscal Year Budget. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a roll call vote. The vote was as follows:

Gayle Bunker	Yes
Robert Droubay	Yes
Dale Roper	Yes
Glen Swalberg	Yes

KATHY WALKER: REQUEST FOR SUPPORT FOR SHADE TREES

Mrs. Walker reported that the Main Street Enhancement Committee has been dissolved and requested Council approval for a new committee being formed. The new committee would be called the Shade Tree Committee. The idea was generated from the Delta City General Plan, page 37, which refers to trees and shade being an important factor during hot summer months. The committee would be charged with development of a tree planting program for the City and engaging support of citizens and property owners to plant shade trees along streets in front of their homes. Mrs. Walker gave the Council a hand out stating some of the objectives of the committee and a current membership list, and requested Council approval prior to proceeding with the establishment of the committee. There have been no decisions made as to types or sizes

of trees and Mrs. Walker suggested that possibly the Planning & Zoning Commission could establish some guidelines as to type and size of trees so that proper recommendations are made by the committee. Mayor Dafoe agreed that the idea is a very good one. Council Member Swalberg asked if businesses would be contacted. Mrs. Walker stated that they plan to contact all existing businesses and also target new businesses. Mrs. Walker then turned the time over to Amanda Lovell, a representative of her 4-H Club, who made a presentation. Her 4-H Club is planning to sell hamburgers at the 4th of July celebration, using the funds earned to plant trees in the White Sage Park and Neighborhood Park. They plan to contact the recreation department to assist in choosing what trees they would like to have planted and instructing them where the trees should be planted. The Council suggested that the USU Extension Agent be included as a member of the committee in order to assist with choosing trees that would be compatible with local soil conditions.

Following discussion, Council Member Robert Droubay MOVED that the City Council support the Delta City Shade Tree Committee and also support the 4-H Club in raising funds and planting trees in the parks. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

RAYETTE JONES: CITY SUPPORT FOR SIDEWALK INSTALLATION

Mrs. Jones thanked the Council for allowing her to take time for this item and stated that the sidewalk in front of her home is in poor condition and in need of repair. She has a child with cerebral palsy and hydrocephalus who is unable to walk on the sidewalk without assistance due to the condition of the sidewalk. She also stated that her husband would assist with setting up forms, etc., to prepare for the concrete. Attorney Waddingham stated that the City is responsible for maintenance of the sidewalks and to cure any type of hazardous condition. Following discussion, Council Member Glen Swalberg MOVED that the City remove the old sidewalk and replace it with an upgraded sidewalk on 300 West between 200 and 300 South. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

ANDY THOMPSON: FINAL APPROVAL OF PHASE II OF VISION DEVELOPMENT

Mayor Dafoe stated that Mr. Thompson had come before the Council at a earlier date requesting this final approval and it was denied due to problems with the street. Attorney Waddingham verified that an agreement for the street property between the Thompsons and Millard School District has been prepared and the School District signed it today, June 25, 1996. Attorney Waddingham explained that the agreement calls for the Thompsons to convey 27 feet to the School District. The School District accepted the property, primarily due to the fact that they have placed a storm drain on the property and would like access to that property. The street must

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be a public street in order for Thompsons to have access to their property. Mayor Dafoe stated that the City has agreed to pay the additional amount to make the sidewalk a 5 foot walk rather than a 4 foot walk. The agreement states that the curb, gutter and sidewalk (4' portion) is the responsibility of Thompsons. Mayor Dafoe also stated that the agreement needs to be signed by the Thompsons before the City will give final approval for Phase II of Vision Development. Council Member Gayle Bunker had some concerns as to whether there was an agreement between the School District and Delta City for reconveyance of the property to Delta City. Mayor Dafoe stated that the School District agreed that there will be a street there. Attorney Waddingham stated that the School District and the Thompsons both have good reason to enter into the agreement because the School District needs the right to access the storm drain, whether the property is in their name or becomes part of the City right of way. Council Member Swalberg questioned whether the motion to approve Phase II of Vision Development could be made with a condition that the School District agree to convey the street property to the City. Attorney Waddingham stated that the debate over the public street has been that the Thompsons would be required to pay a portion of the street construction; the School District is now willing to be responsible for the street construction in order to have access to the storm drain. The School District indicated they would work with the City in this matter. Mayor Dafoe stated that the agreement contains a completion date of November, 1998.

Mayor Dafoe requested that Mr. and Mrs. Thompson sign the agreement and the Warranty Deed conveying the 27 feet, where the storm drain is located, to the School District. Following the signing, Mayor Dafoe and the Council reviewed the plat map of Phase II - Vision Development, which includes Lots 9, 10, & 11. It was noted that the sewer, telephone and water main are already in.

Following review of the plat map, Council Member Glen Swalberg MOVED to approve Phase II of Vision Development, containing Lots 9, 10, & 11, contingent upon the School District conveying the street to Delta City. The motion was SECONDED by Council Member Rob Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GLEN SWALBERG: DELTA CITY BEAUTIFICATION ORDINANCE ENFORCEMENT

Council Member Swalberg stated that Attorney Waddingham has made some corrections to the proposed letters to be sent to property owners in order to specify what conditions need to be corrected on the property. He stated that all of the concerns had been addressed and requested approval to start the enforcement of the beautification ordinance. The names submitted as committee members have not yet been contacted. Council Member Roper questioned whether the committee would be an advisory committee or inspectors, and stated his preference that they be an advisory committee rather than being responsible for enforcement. Council Member Swalberg expressed his desire that the letter be signed by the Mayor or one of the Council Members. There

was discussion regarding who should be designated as the inspector and enforcement officer. Attorney Waddingham stated that Public Works Director Forster has been designated as the enforcement officer. In addition, he reported that the form letter has been revised, leaving blank spaces, to allow the enforcement officer to specify which section of the ordinance has been violated. Mayor Dafoe recommended that Council Member Glen Swalberg be designated as the inspector to act with the consent of the Council. Attorney Waddingham reminded the Council that, if they sit as the appellate board for any resident cited for an ordinance violation, it may be advisable to appoint someone other than a Council Member to be the enforcement officer. Otherwise, there may be the appearance of bias with the appellate board.

Following lengthy discussion, it was decided that Public Works Director Forster will continue to be the nuisance inspector and enforcement officer and the Council will study the matter further and put it on the agenda for the Council Meeting on July 8, 1996. Council Member Robert Droubay MOVED to have Council Member Glen Swalberg contact the proposed members of the Beautification Advisory Committee to see if they will accept the appointment and submit the names to the Council at the July 8, 1996 Council Meeting for final approval of the ordinance and committee. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

COUNCIL MEMBER GAYLE BUNKER: PLANNING & ZONING COMMISSION
RECOMMENDED CHANGE TO DELTA CITY ZONING ORDINANCE

Council Member Gayle Bunker reported that the Planning & Zoning Commission has recommended a change in the Delta City Zoning Ordinance to change keeping animals in the Rural Residential Zone to a permitted use, if the owner or lessee complies with the conditions set forth for keeping animals. The ordinance currently allows keeping animals as a conditional use, requiring a permit.

Following discussion, Council Member Dale Roper MOVED to set a public hearing on July 22, 1996 at 6:45 p.m. for the purpose of receiving public comment on the proposed change to the Delta City Zoning Ordinance pertaining to the Rural Residential Zone. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

OTHER BUSINESS

Mayor Dafoe reported that Russ Shank, who lives on Center Street, has requested City participation on installing new gutter and sidewalk. Due to the fact that the City will be laying asphalt on the street very soon, Mayor Dafoe told Mr. Shank that the City would participate with 50% of the cost of the installation. Mr. Shank has already removed and replaced the curb, gutter

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and sidewalk. Mayor Dafoe stated that the City will be receiving a bill for approximately \$500-600, which represents 50% participation on the installation cost.

Mayor Dafoe asked if there were any comments, questions, or items to be discussed. There being none, Council Member Gayle Bunker MOVED to adjourn. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously. Mayor Dafoe declared the meeting adjourned at 9:00 p.m.


DON DAFOE, Mayor


DOROTHY JEFFERY
Delta City Recorder

MINUTES APPROVED: RCCM 07-08-96